



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

REYNALDO GAMBOA,
#84977

Plaintiff,

vs.

E.K. MCDANIELS,

Defendant.

3:10-cv-00726-RCJ-VPC

ORDER

This is a prisoner civil rights action. Plaintiff has failed to submit an application to proceed *in forma pauperis* or submit the filing fee. See 28 U.S.C. § 1915(a)(1)-(2); Local Rules of Special Proceedings 1-1, 1-2.

Plaintiff is incarcerated at Ely State Prison ("ESP") and has sued Warden E.K. McDaniel. Plaintiff's complaint is difficult to decipher, but he appears to assert that corrections officers violated his civil rights by using excessive force against him. The court notes that plaintiff's allegations in this action directly relate to his claims in 3:10-cv-00217-RCJ-RAM, in which his complaint was dismissed with leave to file an amended complaint (*see* docket #15).

Accordingly, notwithstanding plaintiff's failure to file an application to proceed *in forma*

1 *pauperis*, this action is dismissed as duplicative. If plaintiff files an amended complaint in 3:10-cv-
2 00217-RCJ-RAM, he must include all of his claims related to the alleged use of excessive force.
3 Plaintiff is cautioned that any further separate actions he attempts to file alleging any related claims will
4 be dismissed.

5 **IT IS THEREFORE ORDERED** that the Clerk of Court shall detach and **FILE** the
6 complaint (docket #1-1).

7 **IT IS FURTHER ORDERED** that this action is **DISMISSED** with prejudice.

8 **IT IS FURTHER ORDERED** that the Clerk of Court **shall file** a copy of this order in
9 GAMBOA V. MCDANIEL, 3:10-cv-00217-RCJ-RAM.

10 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and
11 close this case.

12 DATED this 30th day of November, 2010.

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15 UNITED STATES DISTRICT JUDGE
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